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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/779,608 | 02/18/2004 | Philippe Dumoux | DUMOUX4 | 1014 |
| 1444 | 7590 | 05/31/2006 | EXAMINER | |
| BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303 | | | LEE, GUNYOUNG T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2875 | |

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,608

Applicant(s)

DUMOUX ET AL.

Examiner

Gunyoung T. Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 11-14, 16 and 19 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 10, 15, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/18/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informality;
 - On lines 3-4, "the top" lacks antecedent basis.
2. Claim 18 is objected to because of the following informality;
 - On lines 3-4, "the top" lacks antecedent basis.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rojas et al. (US 5,743,620).
5. In regard to claims 1-4 and 19, Rojas et al. disclose an illuminated drinking receptacle having:
 - A base (12) containing a signal light (31) and provided with a passage;
 - A transparent water reservoir (21) (col. 3, line 7) disposed above the base (12);
 - A light conducting window (23) mounted in the passage and disposed to be illuminated by the signal light (31) (col. 2, lines 22-23);
 - Wherein the window (23) is fixed to said water reservoir (21);

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- Wherein the water reservoir (21) has a bottom beneath which the signal light (31) is mounted;
- A filling device (25) associated with the reservoir (21).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 8, 11-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn et al. (US 6,676,271) in view of Glucksman (US 5,404,803).

8. In regards to claims 1-6, 8, 11-14 and 16, Kohn et al. disclose a humidifier having:

- A base (24) containing a signal light (22) and provided with a passage;
- A transparent water reservoir (26) (col. 3, lines 46-50) disposed above the base (24);
- A light conducting window (44) mounted in the passage and disposed to be illuminated by the signal light (22);
- Wherein the window (44) is fixed to said water reservoir (26);
- Wherein the water reservoir (26) has a bottom beneath which the signal light (22) is mounted;

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- Wherein the window (44) is composed of a tongue that extends from the water reservoir (26);
- A light conducting wall (bottom surface of the water reservoir made of glass) (col. 3, lines 46-47) disposed above the signal light (22) and connecting to a side wall;
- Wherein the water reservoir (26) has at least one polished surface.

However, Kohn et al. does not expressly disclose a pane disposed in the reservoir and forming a water level indicator (claims 5, 11, 12, 13). Glucksman discloses a steamer having a water reservoir (14) with a pane (26) disposed in the reservoir (14) and forming a water level indicator (30) (col. 5, lines 23-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pane having a water level indicator as shown in Glucksman for the humidifier of Kohn et al., for the purpose of providing a means for indicating the length of remaining time of the humidifier without water refill.

Allowable Subject Matter

12. Claims 7, 9, 15 and 17 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form **incorporating all** of the limitations of the **base claims** and including all the limitations of **any intervening claims**.

9. Claims 10 and 18 would be allowable if rewritten to overcome the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

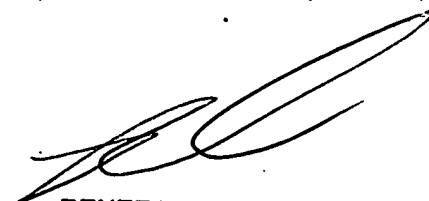
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Augustine (US 3,903,625), Eaton et al. (US 3,968,688), Ratcliffe et al. (US 5,785,407) and Menashrov et al. (US 5,879,068) show apparatuses having a base and a water reservoir.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
5/23/2006



RENEE LUEBKE
PRIMARY EXAMINER